CHAPTER 3

EIR TEXT REVISIONS AND STAFF-INITIATED TEXT CHANGES

3.1 INTRODUCTION

The following corrections/clarifications have been made to the EIR text. These corrections include: minor corrections made by the EIR authors to improve writing clarity, grammar and consistency; corrections or clarifications requested by a specific commentor; or staff-initiated text changes to update information presented in the DEIR. The text revisions are organized by the Chapter and page number that appear in the DEIR. ~~Deleted text~~ presented in this section indicates text that has been deleted from the EIR. Text that has been added to this EIR is presented as single underlined. For corrections initiated by a comment on the DEIR, the comment is indicated to by its assigned reference number

3.2 TEXT REVISIONS

CHAPTER 1: EXECUTIVE SUMMARY

As a staff-initiated text change, Page 1-1, **Section 1.1 Introduction**, first paragraph has been revised as follows:

> The Program EIR for Sempra Communications' application for a Certificate of Public Convenience and Necessity (CPCN) from the California Public Utilities Commission (CPUC) describes a proposal by Sempra Communications to provide telecommunications infrastructure and services to selected markets throughout California ~~using state-of-the-art fiber optic cable technology~~. The proposal does not address any specific construction project, network, or system but instead proposes a Telecommunications Program ~~(~~the "Project"). The proposed project ~~Telecommunications Program~~ is intended as a guide for planning, developing and installing ~~and implementing~~ telecommunications infrastructure and providing services to customers ~~in primarily urbanized areas~~ throughout 15 counties in California. The project proposes several methods for installation of fiber optic cable and related facilities including open trench, plow, horizontal directional bore, aerial attachments, and transmission tower attachments (i.e., replacement of optical ground wiring).

As a staff-initiated text change to improve writing clarity, Page 1-2, **Section 1.2 Project Description**, has been revised as follows:

> Sempra Communications proposes to provide telecommunications infrastructure and services to selected markets throughout 15 counties in California using state-of-the-art fiber optic cable technology~~. The proposal does not address any specific construction project, network, or system but instead proposes a Telecommunications Program (the "Project"). The proposed project Telecommunications Program is intended as a guide for planning, developing and installing and implementing telecommunications infrastructure and providing services to customers in primarily urbanized areas throughout 15 counties in California~~ (see **Table 3-1** and **Figures 3-1** through **3-15**). ~~The project proposes several methods for installation of fiber optic cable and related facilities including open trench, plow, directional bore, aerial attachments, and transmission tower attachments (i.e., replacement of optical ground wiring [OPGW]).~~ A general discussion of the types of construction methods that would be used to install the fiber optic cable facilities is provided in Chapter 3.
>
> The document has been prepared as a program EIR, pursuant to Section 15168 of the State and CEQA Guidelines. The CPUC chose to develop a Program EIR to efficiently evaluate the project ~~Telecommunications Program~~ proposed by the applicant. As such, it broadly analyzes the effects of project implementation that could be anticipated to occur as a result of the CPUC approval of the CPCN. The Program EIR identifies the potential environmental effects of likely future scenarios, sets performance standards, and provides mitigation and a compliance process for avoiding or reducing potentially significant impacts to less-than-significant levels. Subsequent activities, or project actions tiered off of the Program EIR, would be subject to an environmental evaluation process at the time it is proposed (consistent with CEQA Guidelines Section 15168), although no new environmental impact report would be required unless the proposed activity ~~particular project~~ would result in new or substantially more severe environmental effects than those disclosed herein.
>
> The document analyzes the significance of potential impacts from construction, maintenance, and operation of subsequent activities ~~the proposed project~~ and identifies the mitigation measures or processes needed to avoid or reduce each potential impact from those ~~subsequent~~ activities. Subsequent activities and related construction would be confined to the geographical scope of the project area as described and illustrated in the project description (chapter 3) and evaluated in this document. No unauthorized construction requiring CEQA review would be permitted in areas beyond the scope of this document and outside the project area~~s~~.
>
> The objective of this Program EIR is to evaluate the potential impacts of the proposed project and to establish a clear process for implementing mitigation measures and ensuring mitigation compliance. This EIR also includes a process for CPUC CEQA evaluation (using this Program EIR) of subsequent ~~program~~ activities, e.g., installation of fiber optic facilities within the project area, that are proposed in the future consistent with

the CPCN. Subsequent activities may only be undertaken after an evaluation occurs of whether the impacts of those activities were covered by this Program EIR, and if so, mitigation measures are matched with those activities. This Program EIR ensures CEQA compliance for the CPUC (lead agency) to issue a full facilities-based CPCN. This Program EIR also ensures CEQA compliance for responsible agencies issuing permits and approvals for subsequent activities, and it provides a process for determining appropriate mitigation measures and monitoring when specific activities are identified. The Program EIR does not provide CEQA compliance for unauthorized activities ~~projects~~ outside the scope of the document or limit the authority of the responsible agencies issuing other permits and approvals for subsequent activities.

As a staff-initiated text change to provide writing clarity, Page 1-3, **Section 1.3 Alternatives**, has been revised as follows:

The Program EIR addresses five alternatives to the proposed project: (1) a No Project Alternative; (2) Reduction of the Project Area Alternative; (3) Aerial Installation Only Alternative; (4) Underground Installation Only Alternative; and (5) Use of Existing Infrastructure Only Alternative. ~~These alternatives are described below, followed by a discussion of their impacts and how they would differ from those of the proposed project.~~

These alternatives would not introduce additional impacts to those identified and mitigated in the EIR for the proposed project, but would instead use the impacts analysis for the project to determine the extent of those impacts for each method of installation if they were used exclusively. Therefore, the analysis of the potential significant effects for each alternative is generally discussed in the EIR ~~this chapter~~ and utilizes by reference the impacts analysis for the project as a basis for investigating the effects of each alternative.

As a staff-initiated text change, Page 1-3, **Section 1.4 Summary of Mitigation Measures**, second paragraph has been revised as follows:

The proposed project would have effects on biological and cultural resources, air quality, water quality, land use, aesthetics, agriculture, traffic, and noise that are potentially significant. The majority of the project impacts result from construction activities. They are temporary impacts that can be mitigated to less than significant levels with the mitigation measures identified in the Program EIR. However, the project ~~Telecommunications Program~~, if implemented, could still result in significant unavoidable environmental impacts. Mitigation proposed as part of the project, as well as measures identified in this EIR, would avoid or reduce most of the impacts to a less-than-significant level.

In response to all comments and indicated revisions addressed below under *Chapter 4. Environmental Setting, Impacts and Mitigation Measures*, **Table 1-1** shall be revised to accurately summarize the **Impacts** and **Mitigation Measures** for all environmental topics

according to indicated revisions as requested by a commentor or changes initiated by the CPUC. Page numbers for revisions indicated in **Table 1-1** are included with those indicated for revisions under **Chapter 4**.

CHAPTER 2: INTRODUCTION

As a staff-initiated text change, Page 2-1, **Section 2.1 Project Overview**, first paragraph has been revised as follows:

> This document describes a proposal by Sempra Communications to provide telecommunications infrastructure and services to selected markets throughout California using state-of-the-art fiber optic cable technology. The proposal does not address any specific construction project, network, or system but instead proposes a Telecommunications Program~~.~~. The proposed Telecommunications Program is intended as a guide for planning, developing and installing ~~and implementing~~ telecommunications infrastructure and providing services to customers ~~in primarily urbanized areas~~ throughout 15 counties in California. The project proposes several methods for installation of fiber optic cable and related facilities including open trench, plow, horizontal directional bore, aerial attachments, and transmission tower attachments (i.e., replacement of optical ground wiring).

As a staff-initiated text change to provide writing clarity, Page 2-2, **Section 2.2 CEQA Lead and Responsible Agencies**, first paragraph has been revised as follows:

> The ~~project~~ Telecommunications Program (the "Project") proposed by Sempra Communications qualifies as a "project" under the State CEQA Guidelines. An activity is considered a project if it requires issuance of a lease, permit, license, certificate, or other entitlement by a public agency. The CPUC is designated the lead agency for approval of this project under CEQA by virtue of its discretionary authority to issue a CPCN, as requested by Sempra Communications (CEQA Guidelines Sec. 15378(a); California Public Resources Code Sec. 21065).

As a staff-initiated text change, Page 2-2, **Section 2.2 CEQA Lead and Responsible Agencies**, third paragraph has been revised as follows:

> The proposed project area encompasses numerous jurisdictions and may require permits or approvals from various federal, state, and local agencies in order to be fully implemented. These agencies may be considered responsible agencies under CEQA. A responsible agency is an agency other than the lead agency that has a legal responsibility for approving a project, or any portion of a project. The responsible agency must actively participate in the lead agency's CEQA process by reviewing the document and using it for the responsible agency's actions on the project. Thus, the responsible agencies would likely use this Program EIR to achieve CEQA compliance when issuing permits (e.g., encroachment permits) required to authorize future actions proposed under this project

~~Telecommunications Program~~. In addition, the responsible agencies may require additional permit conditions consistent with their permitting authority. Additionally, CPUC authorization of work plans for subsequent activities shall not supercede the permitting authority for other regulatory jurisdictions on all levels of government including local, state and federal.

As a staff-initiated text change, Page 2-2, **Section 2.3 CEQA Process and Approach to Analysis**, first paragraph has been revised as follows:

This EIR has been prepared as a Program EIR, pursuant to Section 15168 of the CEQA Guidelines. The CPUC chose to develop a Program EIR to efficiently evaluate the project ~~Telecommunications Program~~ proposed by the applicant (Sempra Communications). As such, it analyzes (at a program level) the effects of project implementation that could be anticipated to occur as a result of the CPUC approval of the CPCN. This Program EIR identifies the potential environmental effects of likely future scenarios (i.e., program implementation), sets performance standards, and provides mitigation(s) and a compliance process for avoiding or reducing potentially significant impacts to less-than-significant levels. Each subsequent activity, or project action tiered off of the Program EIR, would be subject to an environmental evaluation process at the time it is proposed (consistent with CEQA Guidelines Section 15168). No new environmental impact report would be required unless the proposed activity would result in new or substantially more severe environmental effects than those disclosed herein. In those cases where the subsequent activities would result in environmental effects other than those disclosed in the EIR, additional documentation of environmental review and analysis would be required.

As a staff-initiated text change, Page 2-3, **Section 2.4 Purpose of the Environmental Impact Report**, first paragraph has been revised as follows:

The objective of this Program EIR is to evaluate the potential impacts of the proposed project and to establish a clear process for implementing mitigation measures and ensuring mitigation compliance. This EIR also includes a process for CPUC CEQA evaluation (using this Program EIR) of subsequent ~~program~~ activities, e.g., installation of fiber optic facilities within the project area, that are proposed in the future consistent with the CPCN. Subsequent activities may only be undertaken after an evaluation occurs of whether the impacts of those activities were covered by this Program EIR, and if so, mitigation measures are matched with those activities. This Program EIR ensures CEQA compliance for the CPUC (lead agency) to issue a full facilities-based CPCN, consistent with this Program EIR. This Program EIR also ensures CEQA compliance for responsible agencies issuing permits and approvals for subsequent activities, and it provides a process for determining appropriate mitigation measures and monitoring when specific activities are identified. The Program EIR does not provide CEQA compliance for unauthorized activities ~~projects~~ outside the scope of the document or limit the authority of the responsible agencies issuing other permits and approvals for subsequent

activities. Additionally, CPUC authorization of work plans for subsequent activities shall not supercede the permitting authority for other regulatory jurisdictions on all levels of government including local, state and federal.

CHAPTER 3: PROJECT DESCRIPTION

In response to **Comment A-1**, the following has been added to **Section 3.5 Regulatory Environment** as the first bullet on Page 3-46:

- The Forest Service manages National Forests within California that are within or adjacent to the project area. All uses of National Forest System land require a special use authorization that is supported by an environmental analysis, compliant with National Environmental Policy Act (NEPA) requirements.

As a staff-initiated text change to update information presented in the DEIR under **Section 3.5 Regulatory Environment**, the following has been added to the second and third bullet on Page 3-46:

- The Bureau of Land Management (BLM) administers public lands located throughout the project area. All encroachments across public lands would require a right-of-way encroachment permit compliant with NEPA requirements.

- Several national parks are located within the project area. If any subsequent activities were to potentially impact any national park, the applicable policies of that park and the National Park Service (NPS) would need to be identified and compliance with NEPA would likely be required.

In response to **Comment B-6**, p. 3-42 will be revised to include the following language at the end of the paragraph under "Stream / Water Crossings":

Special consideration would be given to installations involving boring under streams for which pre-construction biological resource surveys (completed as part of documentation of any subsequent activity) identified habitat suitability or occupation by burrowing riparian animals, such as arroyo toads.

In response to **Comment B-7**, p. 3-47 will be revised as follows to include additional project protocols under "3.6.1 General Protocols for Potential Project Impacts":

- All subsequent activities would incorporate construction methods and practices that would either avoid to the extent feasible or minimize physical impacts.

- Construction and design of new access roads will be implemented as such to minimize impacts.

- Vehicles would be kept on access roads to the extent feasible.

- Vehicles must be turned around in established or designated areas only.
- A 15-mile-per-hour speed limit would be observed on dirt access roads to allow wildlife species to disperse.
- Designated parking areas shall be established in previously disturbed areas only, and no parking will be permitting under oak trees to protect root structures.
- No wildlife, including rattlesnakes, may be harmed, except to protect life and limb.
- Plant or wildlife species may not be collected for pets or any other reason.
- Use of pesticides is forbidden within the work site unless previously authorized by identified resource agencies such as USFWS or CDFG.
- No pets of any kind will be permitted on the project site at any time.
- Wildfires would be prevented or minimized by exercising care when driving and by not parking vehicles where hot engines could ignite dry vegetation.
- During construction, all litter and / or construction debris shall be picked up daily and properly disposed of at an appropriate site.
- All personnel would participate in an employee training program conducted by Sempra Communications, with annual updates. The training program would consist of:

    1. a brief overview of endangered species biology and the legal protections given to endangered species,
    2. the habitat requirements of endangered species,
    3. the status of endangered species under federal and state endangered species acts,
    4. measures taken for the protection of endangered species and their habitats, which may be affected by construction,
    5. Protocols established for situations where previously unidentified protected species are found onsite during project activities including an agency contact list for proper notification and clearances, and
    6. a review of the general and specific operational protocols of this section.

CHAPTER 4: ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION MEASURES

In response to **Comment K-1**, the **Mitigation Measure AGR-1b** will be revised on Pages 1-6, 4.2-8, and B-17 as follows:

> **Mitigation Measure AGR-1b:** Sempra Communications' shall consult to the greatest extent feasible with all potentially affected landowners or tenants associated with installation of fiber optic cable facilities in portions of the project area that crosses farmland as part of the right of way use or land acquisition process.

In response to **Comment K-2**, the **Mitigation Measure AIR-1a** will be revised on Pages 1-7, 4.3-43, and B-17 to B-18 as follows:

> **Mitigation Measure AIR-1a:** Sempra Communications would require construction contractors to implement the following construction dust abatement program during activities conducted by Sempra Communications:
>
> - Water all active construction areas at least twice daily, unless the soil is already sufficiently damp;
> - Cover all trucks hauling soil, sand and other loose materials or require all trucks to maintain at least two feet of freeboard;
> - Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites, unless the soil is already sufficiently damp;
> - Sweep daily (with water sweepers) all paved surfaces at construction sites; and
> - Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.

In response to **Comment B-8**, the third paragraph under "Riparian Forest, Woodland, and Scrub" on p. 4.4-9 will be revised as follows:

> Riparian vegetation supports an abundance of insect prey that feed on foliage and stems during the growing season. These insects, in turn, support a high density of migratory and resident birds, including the Pacific-slope flycatcher, Southwest willow flycatcher (*Empidonax traillii extimus*), Least Bell's vireo (*Vireo bellii pusillus*), western wood pewee (*Contopus sordidulus*), yellow warbler (*Dendroica petechia*), MacGillivray's warbler (*Oporornis tolmiei*), Wilson's warbler (*Wilsonia pusilla*), warbling vireo (*Vireo gilvus),* bushtit, and house wren (*Troglodytes aedon*). Oak foliage and bark attract insects that are important to the diet of birds such as white-breasted nuthatch, plain titmouse, Bewick's wren (*Thryomanes bewickii*), ruby-crowned kinglet, American robin, Hutton's vireos, warbling vireo, orange-crowned warbler, Nashville warbler (*Vermivora ruficapilla*), yellow-rumped warbler, black-throated gray warbler (*Dendroica*

negrescens), western tanager (*Piranga ludoviciana*), black-headed grosbeak, fox sparrow (*Passerella iliaca*), and house finch. Woodpeckers excavate nestholes in live and dead oaks, and these cavities are subsequently used by other cavity-nesting species, such as American kestrel, western screech owl (*Otus kennicottii*), tree swallow (*Tachycineta bicolor*), ash-throated flycatcher (*Myiarchus cinerascens*), and western bluebird (*Sialia mexicana*). Oak acorns provide an important food source for many species including western scrub jay, western gray squirrel, and mule deer.

In response to **Comment B-9**, the following text will be added to the "Critical Habitat for Listed Wildlife Species" section on p. 4.4-13 and p. 4.4-38:

(p. 4.4-13) USFWS-designated critical habitat for the following wildlife species is located within the project area: Riverside fairy shrimp, delta smelt, valley elderberry longhorn beetle, California red-legged frog, Alameda whipsnake, Palos Verdes blue butterfly, bay checkerspot butterfly, arroyo southwestern toad, Least Bell's vireo, and Quino checkerspot butterfly. Critical habitat designated by the National Marine Fisheries Service (NMFS) and National Oceanic and Atmospheric Administration (NOAA) for Sacramento River winter run chinook salmon is located within the project area. In addition, areas proposed for designation as critical habitat for the San Bernardino kangaroo rat occur within the project area. Areas previously designated by the USFWS as critical habitat for coastal California gnatcatcher, San Diego fairy shrimp, Central Valley chinook salmon (spring run) [1] and southern California steelhead also occur within the project area[2]. The Existing Conditions sections below identify USFWS-designated critical habitat within each region.

(p.4.4-38) USFWS-designated critical habitat for the arroyo southwestern toad, Riverside fairy shrimp, tidewater goby, and Quino checkerspot butterfly is located within San Diego County region of the project area. In addition, areas previously designated by the USFWS as critical habitat for coastal California gnatcatcher and San Diego fairy shrimp occur within the San Diego County region. Arroyo southwestern toad, Riverside fairy shrimp, tidewater goby, and coastal California gnatcatcher are discussed in Critical Habitat in Section 4.4.7.

[1] Critical habitat for Central Valley chinook salmon (spring run) and Southern California steelhead was designated by the National Marine Fisheries Service (NMFS) and National Oceanic and Atmospheric Administration (NOAA).

[2] On February 25, 2002 the 10th Circuit Court of Appeals in Los Angeles voided USFWS-designated critical habitat for the California gnatcatcher and San Diego fairy shrimp. The action was in response to a Bush administration request for reevaluation of critical habitat under the claim that USFWS had not done an adequate assessment of the economic impacts of critical habitat designation. On March 11, 2002, the Bush administration proposed to withdraw critical habitat designations for 19 species of threatened and endangered salmon and steelhead in California, Oregon, Washington and Idaho.

The ecology of the federal Endangered **Quino checkerspot butterfly** is similar to that of the bay checkerspot butterfly described in Critical Habitat in Section 4.4.4. Host plants for Quino checkerspot butterfly larvae include dwarf plantain (*Plantago erecta*), owl's clover (*Castilleja exserta*), and wooly plantain (*Plantago patagonica*). Grassland, coastal sage scrub, and open chaparral habitats support dwarf plantain. Larvae enter diapause (dormancy) after annual food sources dry up and emerge when rains bring new annual growth. Quino checkerspot butterflies may remain in diapause for several years until suitable resources for growth are available.

The **Least Bell's vireo** (*Vireo bellii pusillus*) **is** a federal Endangered species that arrives in California from mid-March to early April and departs in August. Bell's Vireo seeks out riparian vegetation but may incorporate zeric coastal sage scrub habitat into part of the breeding territory. Breeding territories involve 0.5 to 7.0 ac. Surface water is not as important a habitat component as it is with the flycatcher. Nests are also built in low vegetation about 3' above the ground. Multiple nesting attempts occur each year with first clutches being laid as early as mid April. Young fledge from late May to mid August with the southward migration initiated between late July and September.

In response to **Comment B-10**, the following text will be added to the "Sensitive Plant Communities and Associated Wildlife Habitat" section on p. 4.4-35:

Coastal Bluffs

The Diegan coastal sage scrub community cover steep slopes where soils are shallow and rocky and moisture availability is low. This community often occurs on clay-rich soils that are slow to release stored water. Dominant plant species include low growing soft-woody shrubs such as California sage, coast buckwheat , laurel sumac, black and white sage, and deer broom. Coastal bluff scrub is a sub-community of coastal sage scrub, and is considered a sensitive plant community. Coastal bluff scrub occurs on poorly developed soils of marine terraces on the immediate coast. Many of the same dominant plant species occur in both communities, although several special status plant species occur largely in bluff scrub habitat, including aphanisma, Blochman's dudleya, cliff spurge, and Nuttall's lotus (SANDAG, 2000).

Native Grasslands

Most native perennial grasslands throughout California have been replaced by non-native annual grasslands through a combination of factors including: invasion by exotic plant species pre-adapted to California's Mediterranean climate; changes in the types of animals present and their grazing patterns; cultivation or other forms of disturbance; and changes in fire regime.

Native perennial grasslands remaining in the San Diego area are quite rare in distribution and are largely unmapped. These grasslands are dominated by perennial bunchgrasses such as purple needlegrass, nodding needlegrass, foothill needlegrass, and deer grass, as

well as native herbaceous perennials and annuals including blue-eyed grass, checker mallow, clarkia, and owl's clover. Dominant species of annual grasslands commonly found in the San Diego area include a mix of grasses such as slender wild oats, ripgut brome, soft chess, rattail fescue, and other opportunistic herbaceous species, such as filaree, bur clover, mustards, cocklebur, and telegraph weed.

In response to **Comment B-11**, **Mitigation Measure BIO-1a** will be revised on Pages 1- 13, 4.4-48, and B-23 as follows:

Mitigation Measure BIO-1a: Sempra Communications shall retain a qualified biologist with local knowledge of the native wildlife and vegetation in the project area to evaluate specific location descriptions, including, as necessary, field assessments of each work plan, and documentation of the findings of this assessment. This evaluation will include a discussion of biological resources with moderate to high potential to be affected by the proposed action, and a brief justification for those not considered further (i.e. those species for which no habitat occurs in the proposed project area or sensitive habitat types not present within the project area). The assessment shall also include a search of most recent CNDDB records for the U.S. Geological Survey (USGS) quads within which the work plan occurs.

In response to **Comment B-3**, the final bullet under **Mitigation Measure BIO-1c** will be revised on Pages 1- 15, 4.4-50, and B-25 as follows:

- Revegetation, where required as a site-specific mitigation measure, shall be accomplished through replacement of topsoil and native species, and erosion control measures must be in place prior to the first rain in the fall, or by October 15, whichever is earlier. Exceptions to this cut-off date may be applied for on a case by case basis subject to approval by the appropriate regulatory agency (i.e., CDFG, RWQCB). Revegetation and Restoration Plans will be prepared where applicable to fully offset project related impacts, including proposals for mitigating cumulative impacts of direct and indirect habitat loss, degradation, or modification. Where restoration or revegetation is proposed, the objective will be to offset the project-induced qualitative and quantitative losses of wildlife habitat values. Additionally, restoration and revegetation plans shall be prepared by persons with specific expertise on the local ecosystems and native plant revegetation techniques.

In response to **Comment B-14**, the final bullet under **Mitigation Measure BIO-2a** will be revised on Pages 1-23, 4.4-53, and B-35 as follows:

- If construction is proposed in upland areas adjacent to potential breeding habitat for listed species or candidate species for listing, a qualified wildlife biologist will conduct pre-construction surveys of these areas for aestivation habitat for these species (protocol level surveys or surveys in accordance with guidelines issued by state and/or federal agencies may be required as determined during review of specific work plans). If feasible within the context of the work area, aestivation areas would

be temporarily fenced and avoided. At locations where aestivation burrows are identified and cannot be avoided, aestivation burrows of non-listed species (*i.e.,* California tiger salamander) would be excavated between May and October by hand prior to construction and individual animals moved to natural burrows or artificial burrows constructed of PVC pipe within 0.25 miles of the construction site.

In response to **Comment B-16**, the final bullet under **Mitigation Measure BIO-4b** will be revised on Pages 1-27, 4.4-56, and B-41 as follows:

Mitigation Measures BIO-4b: If potential habitat for special-status burrowing mammals (burrows, scat, tracks, or other diagnostic sign) is located within 0.5 miles of construction areas but greater than 200 feet from proposed activities, the following measures shall apply:

- Exclusion fencing shall be constructed and maintained in good condition around construction areas. The temporary fence shall be constructed with typical silt fencing, and shall be substantial enough to deter animals from entering the work area and to prevent parking construction vehicles or staging or storage of construction materials on adjacent habitat. The location of the fence shall be determined by the biological monitor.

- All open trenches shall be covered and secured at the end of each work day. If trenches remain excavated overnight, temporary escape ramps shall be installed with a 2:1 slope or less or trenches shall be covered by steel plate or plywood. All excavated trenches shall be checked in the morning prior to construction to ensure that no wildlife species are inadvertently trapped.

- A biological monitor shall inspect the fences and trenches at a minimum of once a day. Any wildlife trapped in the trenches shall be moved outside the construction area. If listed species are trapped in trenches, they can only be moved by biologists with appropriate permit or approval from USFWS or CDFG.

- ~~If construction areas are located in paved roads or other highly disturbed ROW, exclusion fencing shall only be constructed around the construction area when adjacent potential habitat for special-status burrowing mammals is within five feet of the work area.~~

- <u>The need to use exclusion fencing will vary according to the proposed construction activities and the species present, therefore the use of exclusion fencing will be determined by the CPUC in coordination with CDFG and/or USFWS during review of subsequent activities.</u>

In response to **Comment C-4**, the **Mitigation Measure BIO-10a** will be revised on Pages 1-35, 4.4-62, and B-51 as follows:

> **Mitigation Measure BIO-10a:** Removal of sensitive natural communities will be avoided wherever feasible. If avoidance of this habitat is not feasible, only the minimum area necessary to complete the work will be subject to disturbance. Consultation with USFWS, CDFG, and other agencies, as applicable, will determine appropriate compensatory mitigation including habitat restoration, revegetation, conservation easements, and habitat replacement ratios both on-site and off-site.
>
> A mitigation plan will be prepared to describe in detail the measures to be implemented to compensate the loss of sensitive natural communities as a result of any subsequent action. <u>The Wildlife Agencies, including CDFG and USFWS, will be afforded the opportunity to review and approve the appropriate compensatory mitigations, including revegetation plans, where they occur within established or anticipated preserves, or where the habitat is expected to provide an important contribution to species conservation.</u>

In response to **Comment D-2**, the **Mitigation Measure CUL-3a** will be revised on Pages 1-38, 4.5-25, andB-54 as follows:

> **Mitigation Measure CUL-3a:** Conduct archaeological monitoring.
>
> Sempra Communications would conduct archaeological monitoring during construction in areas that have been identified and verified by the CPUC in the work plan as archaeologically sensitive. If resources are encountered, they would be tested and evaluated for their significance and eligibility for nomination to the CHL. If a resource is determined not significant, no additional mitigation beyond continued monitoring would be required. If the resource is determined to be significant, application of the measures stipulated in the Cultural Resource Procedures would be implemented to include avoidance if feasible, or scientific data recovery and analysis if avoidance is not feasible. Where necessary, Sempra Communications would seek Native American input and consultation, especially with respect to traditional cultural properties that are not normally disseminated through the California Historical Resources Information Centers. <u>Culturally affiliated Native Americans shall participate in decision regarding the disposition of any Native American artifacts unearthed during the project "(other than associated funerary objects, which are addressed under California Resources Code). They will also participate in decisions regarding any plans for display and interpretation of any unearthed artifacts, so that such artifacts are treated in a culturally sensitive manner.</u>

In response to Comment L-6, **Table 4.9-2** on page 4.9-20 will be revised as follows:

TABLE 4.9-2
SUMMARY OF HABITAT CONSERVATION PLANS AND NATURAL COMMUNITY CONSERVATION PLANS FOR COUNTY AND MUNICIPALITY WITHIN THE PROJECT AREA

Jurisdiction	NCCP or HCP	Status	Key Habitats
Sacramento Valley			
Natomas Basin	HCP	Adopted	Wetlands, Agriculture
Yolo County	HCP	Adopted	Vernal pools, Wetlands, Agriculture
Central Coast Region			
Eastern Contra Costa County	HCP	Not Adopted	Grassland, Oak Woodland, Chaparral
Eastern Alameda County	NCCP	Not Adopted	Grassland
San Jose Burrowing Owl Plan	NCCP	Planning Suspended	Grassland
Santa Clara County	NCCP	Not Adopted (Scoping Process)	Grassland
South Coast Region			
Orange County Central/Coastal	NCCP	Adopted	Coastal Sage Scrub
Orange County Northern	NCCP	Adopted	Coastal Sage Scrub
Orange County Southern	NCCP	Planning Stages	Coastal Sage Scrub
Palos Verdes Peninsula	NCCP	Planning Stages	Coastal Sage Scrub
Shell HCP	HCP	Adopted	Not Available
Ocean Trails	HCP	Adopted	Coastal Sage Scrub
San Diego Multiple Species Conservation Plan	NCCP	Adopted	Coastal Sage Scrub
Inland Desert Region			
Western Riverside County	NCCP	Planning Stages	Riversidean Sage Scrub
Riverside County Stephens' Kangaroo Rat	NCCP	Adopted ~~Planning Stages~~	Stephens' Kangaroo Rat Habitat
San Bernardino County	NCCP	Planning Suspended	Riversidean Sage Scrub

SOURCE: California Department of Fish and Game, Habitat Conservation Planning Division Branch, 2001

In response to **Comment J-1**, the second paragraph under **Impact LUP-1** will be revised on Page 4.9-21 as follows:

> Sempra Communications would be required to obtain encroachment permits to work on public roadway rights-of-way and cross railroad lines and highways, and would obtain any land use permits ~~needed~~ (e.g., conditional use permits), encroachment permits, grading permits, building permits, or any other applicable local permit or process to comply with local regulations governing land use. The following mitigation is a process that provides a communication link with applicable City and County staff and provides a method to acknowledge the local plans and policies that apply to the proposed activity, and identify other required permits. Most jurisdictions do not have General Plan policies regarding telecommunications facilities, and public rights-of-way are commonly used as utility corridors. Implementation of Mitigation Measure LUP-1, below, would ensure that impacts from potential conflicts with land use plans and policies would be less than significant.

In response to **Comment F-4 and F-7**, the first sentence and first bullet of **Mitigation Measure LUP-1** will be revised on Pages 1-41 to 1-42, 4.9-22, and B-61 to B-62 as follows:

> The applicant shall comply with local, state, and federal plans, policies, and regulations including all other relevant environmental quality-related policies (i.e., County Streamside Conservation Area and other wetland policies). Compliance will be ensured through the implementation of the following systematic process for each proposed activity prior to construction:
>
> - During the initial design stages of subsequent activities, the applicant shall consult with local planning staff to determine any required permits, and to assess the activity's consistency with relevant local land use plans, policies, zoning, and relevant ordinances. Additionally, Sempra Communications shall review any sources or databases prepared by local jurisdictions to recover information that may not be available from statewide or federal information sources (i.e., CNDDB, NAHC, CHRIS, or Phase I hazardous materials searches). Preferred alignments for fiber optic facilities installation include previously disturbed right-of-ways in areas designated on applicable City and County Plans for industrial, office/professional, commercial, highway commercial, or public uses. Subsequent activities shall limit or avoid to the extent feasible interactions with residential, recreational, park and natural preserves (e.g. federal, state, county, or other natural areas). The applicant shall refer to **Appendix H** for guidance on applicable land use documentation (General Plan Land Use Element) for each local jurisdiction within the project area.

In response to **Comment F-4**, the impact determination found as the last paragraph under **Impact TRA-1** will be revised on Page 4.12-14 as follows:

> This impact would be considered potentially significant, however, because Sempra Communications would obtain and comply with local and state road encroachment

permits, ~~and~~ railroad encroachment permits, and applicable local plans, policies, and regulations, this would be a less than significant impact.

APPENDICES

APPENDIX A

As a staff initiated change, on page A-1, the following text will be added and revised under the second heading:

WORK PLAN SUBMITTAL / REQUEST FOR NOTICE TO PROCEED

Sempra Communications may not begin construction on any subsequent activities without the CPUC first authorizing the construction of such facilities by issuance of a Notice to Proceed (NTP) pursuant to compliance with the Program EIR. To initiate the NTP approval process, Sempra Communications must submit to the ~~CPUC~~ Environmental Review Section of the CPUC's Energy Division the proposed route-specific construction plans and a detailed description of the proposed activity in the form of a work plan. The work plan outline is included as Attachment A.

As a staff-initiated text change to provide writing clarity, on page A-2, the final paragraph will be revised as follows:

If all the information is deemed complete, Sempra Communications shows compliance with the Program EIR, comments received from relevant agencies and the public during notification of the work plan do not indicate any substantially new or more severe impacts, and the information included in the work plan a) demonstrates that identified impacts are neither broader in scope nor more severe than those previously approved in the Program EIR, b) demonstrates that all proposed mitigation falls within that which was previously disclosed in the Program EIR~~, and c) comments received from relevant agencies and the public during notification of the work plan do not indicate any substantially new or more severe impacts~~, the CPUC will issue an NTP within 21 days of the end of the notification period (or 42 days from work plan submittal) regarding ~~their~~ its acceptance or denial of the proposed work plan.

APPENDIX B

As a staff initiated change, on page B-2 under **Section 1.3 Responsible and Trustee Agencies**, following the first paragraph, these additional bullets will be added:

- U.S. Forest Service (USFS)
- Bureau of Land Management (BLM)
- National Park Service (NPS)
- California Department of Parks and Recreation (DPR)

- California Department of Transportation (Caltrans)

As a staff initiated change, on page B-7 under **Section 3.2 Documenting Observations and Noncompliance, Minor Problem**, shall be revised as follows:

> **Table B~~A~~-1** identifies examples of minor problems and the protocol for documenting a minor problem.

As a staff initiated change, on page B-7 under **Section 3.2 Documenting Observations and Noncompliance, Violation**, shall be revised as follows:

> **Table B~~A~~-2** identifies examples of violations and the protocol for documenting a violation.

As a staff initiated change, on pages B-8 and B-9 the tables will be revised to read **Table B-1** and **Table B-2** instead of **Table A-1** and **Table A-2**, consecutively.

Sections are incorrectly numbered on pages B-14 and B-15 and should be corrected as follows:

> 7.0 Training and Coordination Meetings
> ~~6.1~~7.1 Environmental Awareness Training
> ~~6.2~~7.2 Tailgate Meetings
> ~~6.3~~7.3 Coordination Meetings
> ~~7.0~~8.0 Mitigation Monitoring Requirements

In response to all comments and indicated changes addressed under *Chapter 4. Environmental Setting, Impacts and mitigation Measures* above, **Table B-4** will be revised to accurately summarize the **Impacts** and **Mitigation Measures** for all environmental topics according to indicated revisions as requested by a commentor or changes initiated by the CPUC.

In response to **Comment J-4**, text in **Table B-4** on page B-58 under the second column, **Mitigation Measures**, will be revised to read as follows:

> **HAZ-2b:** Characterize soils excavated in high-risk areas for disposal if they are suspected of being contaminated.
>
> **HAZ-2c:** Test groundwater for petroleum hydrocarbons in high-risk areas before dewatering.

APPENDIX E

As a staff initiated change, **Appendix E** the table on the bottom of page E-134 should be revised and reformatted as follows:

TABLE ~~3~~E-10
USGS 7.5 MINUTE QUADRANGLES FOR SEMPRA COMMUNICATIONS PROJECT AREA BIOLOGICAL REGIONS

Sacramento Region

USGS Code	Quadrangle Name	USGS Code	Quadrangle Name
38121F4	RIO LINDA	38121E1	FOLSOM SE
38121F3	CITRUS HEIGHTS	38121D5	CLARKSBURG
38121F2	FOLSOM	38121D4	FLORIN
38121F1	CLARKSVILLE	38121D3	ELK GROVE
38121E5	SACRAMENTO WEST	38121D2	SLOUGHHOUSE
38121E4	SACRAMENTO EAST	38121F5	TAYLOR MONUMENT
38121E3	CARMICHAEL	38121G2	ROCKLIN
38121E2	BUFFALO CREEK	38121G3	ROSEVILLE

San Francisco Bay Region

Marin County

USGS Code	Quadrangle Name	USGS Code	Quadrangle Name
38122B6	PETALUMA	37122H5	SAN RAFAEL
38122B5	PETALUMA RIVER	37122H4	SAN QUENTIN
38122A6	SAN GERONIMO	37122G5	POINT BONITA
38122A5	NOVATO	37122G4	SAN FRANCISCO NORTH
38122A4	PETALUMA POINT		

San Francisco County

USGS Code	Quadrangle Name	USGS Code	Quadrangle Name
37122G4	SAN FRANCISCO NORTH	37122G3	OAKLAND WEST
37122F4	SAN FRANCISCO SOUTH	37122F3	HUNTERS POINT

Contra Costa County

USGS Code	Quadrangle Name	USGS Code	Quadrangle Name
37121H8	CLAYTON	38122A3	MARE ISLAND
37121H7	ANTIOCH SOUTH	38122A2	BENICIA
37121H6	BRENTWOOD	38122A1	VINE HILL
37122G2	OAKLAND EAST	38121A8	HONKER BAY
37122G1	LAS TRAMPAS RIDGE	38121A7	ANTIOCH NORTH
37121G8	DIABLO	38121A6	JERSEY ISLAND
37121F7	LIVERMORE	37122H2	BRIONES VALLEY
37121F8	DUBLIN	37122H1	WALNUT CREEK

Alameda County

USGS Code	Quadrangle Name	USGS Code	Quadrangle Name
37121E8	NILES	37122F1	HAYWARD
37121F6	ALTAMONT	37122F2	SAN LEANDRO
37121F7	LIVERMORE	37122G1	LAS TRAMPAS RIDGE
37121F8	DUBLIN	37122G2	OAKLAND EAST
37122E1	NEWARK	37122G3	OAKLAND WEST
37122E2	REDWOOD POINT	37122H3	RICHMOND

TABLE ~~3~~E-10 (continued)
USGS 7.5 MINUTE QUADRANGLES FOR
SEMPRA COMMUNICATIONS PROJECT AREA BIOLOGICAL REGIONS

San Francisco Bay Region

San Mateo County

USGS Code	Quadrangle Name	USGS Code	Quadrangle Name
37122F4	SAN FRANCISCO SOUTH	37122D3	WOODSIDE
31722E4	MONTARA MOUNTAIN	37122D4	HALF MOON BAY
37122E3	SAN MATEO	37122D2	PALO ALTO
37122E2	REDWOOD POINT		

Santa Clara County

37122D2	PALO ALTO	37121C6	LICK OBSERVATORY
37122D1	MOUNTAIN VIEW	37122B1	CASTLE ROCK RIDGE
37121D8	MILPITAS	37121B8	LOS GATOS
37121D7	CALAVERAS RESERVOIR	37121B7	SANTA TERESA HILLS
37121D6	MT. DAY	37121B6	MORGAN HILL
37122C2	MINDEGO HILL	37121B5	MT. SIZER
37122C1	CUPERTINO	37121A6	MT. MADONNA
37121C8	SAN JOSE WEST	37121A5	GILROY
37121C7	SAN JOSE EAST	36121H6	WATSONVILLE EAST

Santa Cruz Region

USGS Code	Quadrangle Name	USGS Code	Quadrangle Name
37122A1	FELTON	36122 H1	SANTA CRUZ
37121A8	LAUREL	36121H8	SOQUEL
37121A7	LOMA PRIETA	36121H7	WATSONVILLE WEST
37121A6	MT. MADONNA	36121H6	WATSONVILLE EAST

Fresno Region

USGS Code	Quadrangle Name	USGS Code	Quadrangle Name
36119G6	CLOVIS	36119F7	FRESNO SOUTH
36119G7	FRESNO NORTH	36119H6	FRIANT
36119G8	HERNDON	36119H7	LANES BRIDGE
36119F6	MALAGA	36119F8	KEARNEY PARK

Los Angeles Basin Region

Los Angeles County

USGS Code	Quadrangle Name	USGS Code	Quadrangle Name
34118C2	CONDOR PEAK	34118A2	LOS ANGELES
34118C3	SUNLAND	34118A3	HOLLYWOOD
34118C4	SAN FERNANDO	34118A4	BEVERLY HILLS
34118C5	OAT MOUNTAIN	34118A5	TOPANGA
34118C6	SANTA SUSANA	34118A6	MALIBU BEACH
34117B6	MT. BALDY	34118A7	POINT DUME
34117B7	GLENDORA	34118A8	TRIUNFO PASS
34117B8	AZUSA	33117H7	YORBA LINDA
34118B1	MT. WILSON	33117H8	LA HABRA
34118B2	PASADENA	33118H1	WHITTIER
34118B3	BURBANK	33118H2	SOUTH GATE

TABLE ~~3~~E-10 (continued)
USGS 7.5 MINUTE QUADRANGLES FOR
SEMPRA COMMUNICATIONS PROJECT AREA BIOLOGICAL REGIONS

Los Angeles Basin Region

34118B4	VAN NUYS	33118H3	INGLEWOOD
34118B5	CANOGA PARK	33118H4	VENICE
34118B6	CALABASAS	33118G1	LOS ALAMITOS
34118B7	THOUSAND OAKS	33118G3	TORRANCE
34117A6	ONTARIO	33118F1	SEAL BEACH
34117A7	SAN DIMAS	33118F3	SAN PEDRO
34117A8	BALDWIN PARK	33118F2	LONG BEACH
34118A1	EL MONTE	33118G4	REDONDO BEACH

Orange County

USGS Code	Quadrangle Name	USGS Code	Quadrangle Name
33117H6	PRADO DAM	33117F7	TUSTIN
33117H7	YORBA LINDA	33118F1	SEAL BEACH
33117H8	LA HABRA	33117E5	CANADA GOBERNADORA
33117G6	BLACK STAR CANYON	33117E6	SAN JUAN CAPISTRANO
33117G7	ORANGE	33117E7	LAGUNA BEACH
33117G8	ANAHEIM	33117D5	SAN CLEMENTE
33118G1	LOS ALAMITOS	33117D6	DANA POINT
33117F5	SANTIAGO PEAK	33117E8	NEWPORT BEACH
33117F6	EL TORO		

San Bernardino Region

USGS Code	Quadrangle Name	USGS Code	Quadrangle Name
34116A8	FOREST FALLS	33117H6	PRADO DAM
34117A1	YUCAIPA	34117B3	SAN BERNARDINO NORTH
34117A2	REDLANDS	34117B4	DEVORE
34117A3	SAN BERNARDINO SOUTH	34117B2	HARRISON MTN.
34117A4	FONTANA	34117B5	CUCAMONGA PEAK
34117A5	GUASTI	34117B6	MT. BALDY
34117A6	ONTARIO		

Riverside Region

USGS Code	Quadrangle Name	USGS Code	Quadrangle Name
34117A2	REDLANDS	33117H5	CORONA NORTH
34117A3	SAN BERNARDINO SOUTH	33117H6	PRADO DAM
34117A4	FONTANA	33117G3	STEELE PEAK
34117A5	GUASTI	33117G4	LAKE MATHEWS
33117H2	SUNNYMEAD	33117G5	CORONA SOUTH
33117H3	RIVERSIDE EAST	33117G6	BLACK STAR CANYON
33117H4	RIVERSIDE WEST		

San Diego Region

USGS Code	Quadrangle Name	USGS Code	Quadrangle Name
33117C2	BONSALL	32116H8	SAN VICENTE RESERVOIR
33117C3	MORRO HILL	32116G7	ALPINE
33117C4	LAS PULGAS CANYON	32116G8	EL CAJON

TABLE ~~3~~E-10 (continued)
USGS 7.5 MINUTE QUADRANGLES FOR
SEMPRA COMMUNICATIONS PROJECT AREA BIOLOGICAL REGIONS

33117C5	SAN ONOFRE BLUFF	32117G1	LA MESA
33117B1	VALLEY CENTER	32116F8	JAMUL MOUNTAINS
33117B2	SAN MARCOS	32117F1	NATIONAL CITY
33117B3	SAN LUIS REY	32117F2	POINT LOMA
33117B4	OCEANSIDE	32117E1	IMPERIAL BEACH
33117A1	ESCONDIDO	32116E8	OTAY MESA
33117A2	RANCHO SANTA FE	32117G2	LA JOLLA
33117A3	ENCINITAS	33117D2	TEMECULA
32117H1	POWAY	33117D3	FALLBROOK
32117H2	DEL MAR	33117D5	SAN CLEMENTE

Imperial Region

USGS Code	Quadrangle Name	USGS Code	Quadrangle Name
32115H4	ALAMORIO	32115G6	SEELEY
32115H5	BRAWLEY	32115F4	CALEXICO
32115H6	BRAWLEY NW	32115F5	HEBER
32115G4	HOLTVILLE WEST	32115F6	MOUNT SIGNAL
32115G5	EL CENTRO		